

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Agriculture Department – Sri B.Singa Reddy, Mandal Agril. Officer – Placed under suspension – Convicted – Dismissed from service – Hon'ble High Court set aside the conviction - Reinstated - Treating the suspension period from 16.07.2001 to 8.6.2004 and dismissal period from 23.06.2010 to 3.2.2014 as “ON DUTY” with all the consequential benefits as per the FR-54-A (3) – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.I) DEPARTMENT

G.O.Rt.No. 372

Dated:15.05.2014

Read the following:-

1. From the D.G., ACB, AP, Hyd. No. 114/RCT-HMR/200-S3, dt.12.7.2001.
2. Procdgs. of the Commissioner & Director of Agriculture No.Vig.III (3)509/2001, dt. 12.7.2001.
3. G.O.Ms.No.173, A&C(Vig.I) Dept., dated:8.5.2001.
4. G.O.Rt.No.368, A&C (Vig.I) Dept., dated: 12.04.2004.
5. Order dt: 02-05-2005 in CC.No.19of 2002 of Addl.Spl.Judge for SPE & ACB Cases, Hyderabad.
6. G.O.Ms. No. 127,A & C (Vig.I) Dept., dt. 275.2006.
7. From the C & DA, AP, Hyd. Lr.No. Vig.III(3)145/2006, dt. 30.05.2008.
8. Orders dated 25.05.2006 in OA No. 3029 of 2006 filed by Sri B.Singa Reddy.A.O.
9. From the C &DA, A.P. Hyd. Lr. No. Vig.III(3)145/06, dt. 25.05.2006 together with orders dt. 9.5.2006 in CrI.M.P. 786 of 2006 in Criminal Appeal No. 651of 2006.
- 10 Govt. Memo. No. 7714/Vig.I (2)/2006-9, dt. 17.06.2009.
10. From the C &DA, AP, Hyd. Lr.No. Vig.III(3)145/06, dt. 28.6.10.
11. Reprn. Of Sri B.singa Reddy, AO. Along with copy of the judgment dt.18.4.2013 of the Hon'ble AP. High Court , Hyd. in CrI. Appeal No. 651 of 2006 filed by the individual.
12. Govt. Memo. No.7924/Vig.I(A2/2013, dt. 26.6.2013.
13. From the D.G., ACB, Hyd.Rc. No. 114/RCT-HND/2001, dt.19.9.2013. together with the orders dated 18.4.2013 in CrI. Appeal No. 651 of 2006 of Hon'ble A.P.Hign Court, Hyd.
14. From the D.G. ACB, Hyd. Rc.No. 114/RCT-HND/2001, dt.25.10.2013 , together with copy of the opinion of the Standing Counsel for ACB, High Court of A.P.dt.10.8.2013.
15. G.O.Rt. No. 56, A & C (Vig.I) Dept. dt.24.01.2014.
16. From the C &DA, A.P, Hyd. Lr. No.Vig.III(2)254/2013, dt.26.3.2014.

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ORDER:-

It was brought to the notice of the Government by the appropriate authority in the reference 1st read above, that Sri B.Singa Reddy, Agriculture Officer, while working as Agriculture Officer at Kodad, Nalgonda district was caught red handed by the ACB authorities at his office when he demanded and accepted an amount of Rs.5000/- from the complainant as Seasonal Mamool and for not harassing him with inspections of his shop. The Commissioner & Director of Agriculture, AP, Hyderabad has placed the above Accused Officer (AO) under suspension vide proceedings 2nd read above. The Government accorded sanction to the Director General, Anti-Corruption Bureau, Hyderabad to prosecute the A.O, in the Court of Law vide G.O.3rd read above. Subsequently Sri B.Singa Reddy, Agricultural Officer, was reinstated into service vide G.O.4th read above after reviewing suspension.

2. In the reference 5th read above, the Additional Spl. Judge for SPE & ACB cases pronounced judgment dated 2.5.2005 in C.C. No. 19 of 2002 convicting the Accused Officer Sri B.Singa Reddy, Agriculture Officer and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2000/- in default to undergo simple imprisonment for a period of six months for the offence punishable under section 13 (1) (d) r/w sec.13 (2) of prevention of Corruption Act, 1988. Accordingly, Govt. issued orders in G.O.6th read above dismissing the individual from service.

3. Aggrieved by the orders of the Additional Spl. Judge for SPE & ACB cases, the individual filed OA No. 3029 of 2006 before the Hon'ble APAT. The Hon'ble APAT in its interim orders dated:25.05.2006 has ordered that the applicant had already been convicted and as the sentence imposed against the applicant in the ACB case was suspended by the Hon'ble High Court, the respondents are directed not to dismiss the applicant from the service based on the Judgment rendered in CC No. 19/2002 by the Additional Spl. Judge for SPE & ACB cases, City Civil Court, Hyderabad, pending further orders.

4. In the reference 9th read above, the Commissioner & Director of Agriculture, AP, Hyderabad has informed that Sri B.Singa Reddy, Agriculture Officer has obtained Stay orders from the Hon'ble A.P. High Court in Crl. M.P.No. 786 of 2006 in Criminal Appeal No. 651 of 2006.

5. The Hon'ble High Court in its judgment dt. 18-4-2013 in Crl. Appeal No. 651 of 2006 filed by Sri B.Singa Reddy, former Agriculture Officer has observed as follows:

“coming to the recovery of money from the AO., it can be presumed that the said amount was received by him towards bribe. It is true and also not disputed by the appellant herein regarding the receipt of money and also the chemical test yielding positive. Hence, this court is not inclined to go in deep regarding the same. But at the same time, when the said amount was recovered, the spontaneous explanation given by the appellant herein is that he received the said amount towards hire charges to his jeep owned by his wife. In this regard, this court verified the original of Ex.P. 9 it is recorded therein that “Spontaneously the AO informed that the PW 1 gave a sum of Rs.5,000/- by saying Rs.5,000/-...” The said sentence does not give any complete meaning, but at the same time, it suggests that the AO wants to inform the I.O., that he received the said sum of Rs.5,000/- towards hire charges of Jeep given by PW 1. It appears, deliberately, the said statement was not recorded by the Mediator. Further to prove the case of AO that the said amount was given by PW 1 as hire charges, he got examined DWs 8 and 10. DW 8 is working as Sales Officer in M/s Vemfarm Chemicals. He deposed that he knew the AO and the firm Rithu Mitra Traders, in which PW 1 is a partner. It is his evidence that in order to promote the sales, they used to conduct demonstrations in the fields in the villages and canvass their products. He deposed that AO had a jeep and that RMT used to engage his vehicle for such canvassing. On one occasion, he traveled in that jeep belonged to AA and the relevant photographs were marked as Ex.D13. In the said photographs, one Mr. Ajay, who is the partner of RMT was standing along with other villagers. The said witness further deposed that he is aware of the fact that the said jeep belongs to the wife of AO and the RMT used to hire that jeep. The said evidence was corroborated by DW 10, who is the photographer, who deposed before the court that he had taken the photographs of the jeep along with the AO and also some of the partners of the RMT. Thus the theory of AO that he received the said amount from PW 1 towards payment of hire charges of his jeep is corroborated with the evidence of DWs 8 and 10 and the spontaneous explanation of AO is therefore, highly probable and acceptable. Mere recovery of money alone cannot give rise that the AO committed an offence. Further the evidence of PW 1 as pointed

out, does not inspire the confidence of the court. Hence, this court is of the view that the prosecution failed to establish the case beyond all reasonable doubt and the convictions and sentences as imposed by the trial court are liable to be set aside.

In the result, the criminal appeal is allowed setting aside the impugned judgment. The convictions and sentences imposed on the appellant herein are hereby set aside and he is found not guilty of the said offences and acquitted of the charges.”

6. In the reference 11th read above, Sri B.Singa Reddy has requested the Government to pass appropriate orders revoking the dismissal orders in pursuance of the acquittal of the Hon'ble High Court.

7. The Government having examined the matter in detail reinstated the individual into service vide G.O.Rt. No. 56, A & C (Vig.I) Dept., dt. 24.1.2014. In the reference 16th read above, the Commissioner & Director of Agriculture, AP, Hyderabad, while enclosing the representation of Sri B.Singa Reddy, Agriculture Officer O/o Dy. Director of Agriculture (FTC) Mahabubnagar, has stated that the individual has filed criminal appeal in Hon'ble High Court vide Crl. appeal No.651 of 2006 and the Hon'ble High Court passed orders by setting aside the action against Sri B.Singa Reddy and he is not guilty of the said offence and acquitted him of the charge. The Commissioner & Director of Agriculture, AP, Hyderabad has informed that the Government are competent to regularize the services of the individual and requested to issue early orders in the matter.

8. Government after careful examination of the matter, keeping in view of the judgment of the Hon'ble A.P.High Court, dated 18.4.2013 in Crl.Appeal No. 651 of 2006 have decided to treat the suspension period from 16.07.2001 to 08.06.2004 and dismissal period from 23.06.2010 to 3.2.2014 as “ON DUTY” with all the consequential benefits as per the Fundamental Rules (FR) as per rule 54 -A (3).

9.. Accordingly, the Government, hereby treat the period of suspension in respect of Sri B.Singa Reddy, Agriculture Officer from 16.07.2001 to 08.06.2004 and dismissal period from 23.06.2010 to 3.2.2014 as “ON DUTY” with all the consequential benefits as per Rule 54 – A – (3) .

10. The Commissioner & Director of Agriculture, AP, Hyderabad., Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri B.Singa Reddy, Agriculture Officer (through C &DA, A.P, Hyderabad.)
The Commissioner & Director of Agriculture, AP, Hyderabad.
Copy to the APVC.
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER